

March 4, 1998

Ms. Char Hauger
Army Corps of Engineers, St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

Mr. William Tans
Wisconsin Department of Natural Resources
101 S. Webster St.
Box 7921
Madison, WI 53707-7921

RE: Crandon Mine Project: 94-01298-IP-DLB

Dear Ms. Hauger and Mr. Tans:

After receiving the recent correspondence from the Wisconsin Department of Natural Resources (WDNR) to the Nicolet Mineral Company (NMC), dated February 6, 1998 regarding the request for more information relating to the wastewater discharge pipeline, I have some follow-up comments related to Volume IIIa, Appendix 3-2 (EIR Supplement - Wisconsin River Discharge Pipeline) of the EIR. Below are the concerns based on the September 1995 EIR Supplement, with updates from 10/96. More comments may be forthcoming if the plan is revised to reflect the changes as requested by the WDNR's letter or if the plan is amended due to the development of the Surface Water Mitigation Plan.

Comment #1: Section 2.2.3, Leak Prevention and Monitoring Equipment: The 2nd paragraph states that the probability of a leak in the pipeline is highly unlikely during the duration of the project, but besides the mention of it being a sealed system with completely sealed/welded joints, there is not much mention of why this is assumed to be the case. The risk assessment in (Section 4.13.12.1.1 of the MPA) estimates the chance of leakage along the pipeline as a Class III event, meaning that a leak may occur once in 51 to 500 years. How was this derived? This seems like a low estimate. I assume the location of the pipeline will be registered with all the municipalities and utilities in the area so that when anyone plans to excavate and calls the "Diggers Hotline" they will have the pipeline marked prior to digging anywhere near the pipeline. This will definitely lower the occurrence of accidental ruptures, but yet, accidents such as accidental breakage during non-project related excavations do occur. NMC should provide more justification for the Class III status that they gave this scenario. I do agree, however, that if a leak were to occur, environmental damage would most likely not be great due to the nature of the treated water and to the monitoring and mitigation measures to be in place by the company.

Other methods of leakage may occur besides the accidental rupturing of the pipeline, such as freeze/thaw or ground settling/shifting. The MPA does mention that the pipeline will be below the frostline, but does not indicate what that depth is for the average or for the worst Wisconsin winters.

Comment #2: Also, the 3rd paragraph of Section 2.2.3, states that special precautions will be taken at the locations where the pipeline will cross under Swamp Creek, Wolf River and Mud Creek by double casing the pipeline at these locations. Why isn't double casing considered for all the creek/stream/wetland crossings?

Comment #3: Section 2.2.4, Closure: Is it possible that this pipeline may be used to transport treated water from site-related groundwater treatment systems, if during or after mining activities, the local groundwater is in need of treatment due to contamination from mine wastes? The need for this may potentially continue for many years after mine closure and should be part of the evaluation.

Comment #4: Section 2.3, Construction Methods: The 4th paragraph states that the bedrock west of Monico may need to be blasted. Will this cause any environmental issues such as the release of nitrates into nearby waterways? Also, in paragraph 7 of this section, it mentions that groundwater may need to be pumped into the natural drainage ways in areas of high water table. Areas where this will occur must be better evaluated for potential impacts before this is allowed. (How much water will be pumped?, Will any wetlands be impacted? etc.) Also, will NMC revisit the pipeline route periodically to address settling that may have occurred in the backfill of the trenches over time or for other maintenance reasons to ensure the proper natural drainage in these areas?

Comment #5: Section 3.1, Regional and Local Setting: The 2nd paragraph states that, "In total nine named streams are crossed along the pipeline corridor". On Page iii of the Executive Summary for this Plan, it mentions that at a minimum, the pipeline will be installed beneath the Wolf River, Gliske Creek, Mud Creek, Monico Creek, Venus Creek, Neptune Creek, the Pelican and North Branch Pelican Rivers, George Creek and one unnamed creek. This is a total of 9 named creeks and one unnamed creek. Neither paragraph mentions Swamp Creek. Is this because the crossing of Swamp Creek is part of the plant site plan and not this plan? Please have this clarified because Swamp Creek is mentioned in other sections of this plan.

Comment #6: Section 4, Environmental Impacts: Will Section 4 of this Plan be revised to reflect the changes to the project due to the Surface Water Mitigation Plan?

Comment #7: Section 4.2.3, Air Quality: Are any contaminants anticipated in the vented air, as mentioned in Section 2.2.2, along the pipeline route? For example the release of chemicals originating from the treatment plant?

Comment #8: Section 4.2.5, Groundwater: This section states that the pipeline will be sealed so that it will not act as a sink or source of waters to encountered groundwater and that it will not

act as a barrier to groundwater flow. But, will the pipeline trenching act as a groundwater conduit or preferred pathway, especially in the wetlands where the pipeline will be installed on a gravel base?

Comment #9: Section 4.2.6.1, Wisconsin River: Will the BOD issue be updated to reflect the WDNR reallocation activities?

Comment #10: 4.2.6.1.2: Aquatic Biology: This section seems to be one of circular reasoning: i.e., the Waste Water discharge to the Wisconsin River will be regulated to protect the most sensitive species or community. Therefore, it is anticipated that there will be no impact to aquatic communities within the Wisconsin River as a result of the proposed project. In other words, the regulations say that the discharge has to be clean and therefore it will. This section should refer to the parts of the EIR where NMC conducted the species inventory and its evaluation of contaminant tolerance of each of those species to further substantiate its claim that an impact to aquatic communities is not anticipated. Also, this section only addresses potential impacts caused by the actual discharge of the treated wastewater into the Wisconsin River. This section should also be addressing impacts to aquatic organisms due to the installation of the pipeline in all the surface water bodies in which the pipeline will cross. Even with the drilling procedures planned for the pipeline crossings under the surface water bodies, are any impacts to the water bodies and/or its aquatic organisms possible? This should be addressed in this section. Appendix D states that in the creeks and rivers that the pipeline will cross, there are several rare species of mussels and fish.

Comment #11: Section 4.2.6.2, Interbasin Transfer: This section should also discuss the relevance of the Water Resources Development Act of 1986 and the COE's August 1997 decision that the Act only applies to groundwater. In a January 28, 1998 letter, Governor of Michigan, John Engler, wrote to Wisconsin Governor, Tommy Thompson, stating that the proposed diversion is unquestionably precedential and presents important legal and public policy issues. The letter further states that their research indicates that a clear preponderance of the case law has held that "waters of the United States" includes tributary groundwater. Will either the WDNR or COE follow up with the State of Michigan to obtain their case law examples and reevaluate past decisions on this matter?

Comment #12: Section 4.2.7: Terrestrial Biology: This section states that, "Although endangered, threatened and rare species are known to occur in the region through which the proposed pipeline will pass, their use of the marginal disturbed habitat in which the pipeline will be installed is likely minimal. No impacts to these species are anticipated." This section needs to identify what these species are and where they are located in relation to the pipeline. Appendix D states that, as of June 13, 1995, there are several bald eagle and osprey nests located within ½ to 1 mile of the pipeline route. While the pipeline itself may not harm these species, will the installation of the pipeline potentially disturb the breeding period of these species? Section 3.8 of this report only gives a generic accounting of what species may be encountered along the pipeline route, stating that since the habitat is similar to the project area, the species found should also be similar. Appendix E gives a habitat summary of the pipeline route but does

not give an accounting of what species were encountered. More detail must be given on the wildlife that may be impacted by the installation of the pipeline.

Comment #13: Section 4.2.8, Wetlands: As commented above in Comment #8, will the laying of the pipeline and the associated trench drain wetland areas by giving a conduit for preferential groundwater flow paths away from the wetland areas?

Comment #14: Section 4.2.10, Land Use and Zoning: This section states that “Permanent land use impacts are not anticipated as a result of the project”. Will there be temporary land use impacts? For example, in Appendix D it states under 1d, NR 812, Wis. Administrative Code that “the well construction and pump installation administration code requires a well not be placed within 50 feet of a wastewater treatment plant effluent pipe or a pressurized sewer, or within 100 feet of a lift station”. Will this impact any existing well along the pipeline route, or will it prohibit any new wells from being installed during the life and use of the pipeline? This needs to be addressed in this section and possibly also mentioned within Sections 4.2.12.5 (Public Facilities and Services) and 4.2.12.6 (Human, Health and Social Services).

Comment #15: Section 4.2.11, Aesthetics: The 2nd paragraph states that the only visible portions of these features will be similar to standard manhole covers and a short vent pipe and that these are not expected to have any aesthetic impacts. Will any of these short vent pipes be along the snowmobile trail? If so, these should be well marked and highly visible.

Comment #16: Section 4.3.2, Seepage Cells: In addition to comments made by the WDNR in their letter of 2/6/98 to NMC, the following should also be included in any further evaluations of the use of seepage ponds for the discharge of treated wastewater: - identify where water from seepage basins would discharge or flow to (i.e., would this seepage water be beneficial to surface water mitigation needs, especially in the case of wetlands?) - identify what changes would be needed to be made to the groundwater model due to the addition of several seepage basins within the project area.

Comment #17: Figure 2.1 - 2.6: What is the average and maximum frost depth for this area of Wisconsin? Will there always be a flow through the pipeline during the winter months so that the pipe will not freeze and therefore frost depth is less of a concern? Figures 2.1 - 2.6 all state that the pipeline will be at a minimum of 4.5 feet below the lowest point in the right-of-way. What is the maximum or the expected depth? Is this variable due to the frost depth or due to other factors?

Again, more comments on the Wisconsin River Wastewater Discharge Pipeline may be forthcoming pending further review and pending any future updates that may be provided by the mining company. Please let me know if you need clarification on any of the above comments. Feel free to call me at 312-886-7252 with any questions.

Sincerely,

Daniel J. Cozza, Crandon Mine Project Manager
U.S. Environmental Protection Agency

cc:

B. Tans, WDNR

J. Trick, FWS

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